

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CRF 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.  
UNTD:009

Applicant or Patentee: UNITED DEVICES, INC.

Application No.: UNKNOWN

Title: METHOD FOR MANAGING WORKLOADS AND ASSOCIATED  
DISTRIBUTED PROCESSING SYSTEM

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:  
ADDRESS OF SMALL BUSINESS CONCERN:

UNITED DEVICES, INC.  
11675 Jollyville Road  
Suite 100  
Austin, TX 78759

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive , each individual , concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CRF 1.9(c) if that person made the

invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below:

Separate verified statement is required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: EDWARD A. HUBBARD

TITLE OF PERSON IF OTHER THAN OWNER: Chief Executive Officer

ADDRESS OF PERSON SIGNING: United Devices, Inc.  
11675 Jollyville Road  
Suite 100  
Austin, TX 78759

SIGNATURE:  DATE: 6/23/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: EDWARD A. HUBBARD  
Filed: CONCURRENTLY HEREWITH  
For: METHOD FOR MANAGING WORKLOADS AND ASSOCIATED  
DISTRIBUTED PROCESSING SYSTEM  
Serial No.: UNKNOWN  
Group Art Unit: UNKNOWN  
Examiner: UNKNOWN  
Atty Dkt: UNTD:009

| EXPRESS MAIL CERTIFICATION  |                                |
|---|--------------------------------|
| NUMBER: EL634616053US   |                                |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service, postage prepaid, under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231. |                                |
| June 23, 2000<br>Date   | <u>Kim E. Minner</u><br>[Name] |

Assistant Commissioner For Patents  
Washington, D.C. 20231

**ELECTION UNDER 37 C.F.R. §§3.71 AND 3.73  
AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment filed concurrently herewith hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) (PTO Form PTO/SB/96 (6-98)) is concurrently filed herewith.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, and William W. Enders, Reg. No. 41,735, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection

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therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to UNITED DEVICES, INC., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

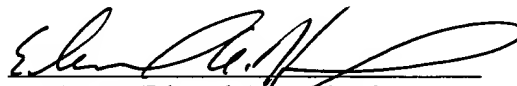
Please direct all communications as follows:

Brian W. Peterman  
O'KEEFE, EGAN & PETERMAN, LLP  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, Texas 78746  
512/347-1611  
FAX 512/347-1615

ASSIGNEE:

UNITED DEVICES, INC.

By:



Name: Edward A. Hubbard

Title: Chief Executive Officer

Date: 6/23/00

ASSIGNMENT:

- ☒ Filed concurrently herewith  
☐ Previously filed [date](copy enclosed)  
☐ Previously recorded  
Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_

O'KEEFE, EGAN & PETERMAN, L.L.P.  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, Texas 78746  
512-347-1611

**DECLARATION FOR PATENT APPLICATION AND  
POWER OF ATTORNEY**

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one) ☒ I am the original, first and sole inventor  
☐ I am a joint inventor and the below named inventors are the  
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD FOR MANAGING WORKLOADS AND ASSOCIATED DISTRIBUTED  
PROCESSING SYSTEM**

the specification of which

(check one) ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_,  
as Application Serial No. \_\_\_\_\_,  
and was amended on \_\_\_\_\_.  
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

0062390 04740062300

Prior Foreign Application(s)  
Number                      Country

Day/Month/Year Filed

Priority  
Claimed  
Yes      No

None

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

**Provisional Application Serial No.**

**Filing Date**

None

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| <b><u>Application Serial No.</u></b> | <b><u>Filing Date</u></b> | <b><u>Status (patented, pending, abandoned)</u></b> |
|--------------------------------------|---------------------------|---|
| 09/538,543                           | March 30, 2000            | Pending   |
| 09/539,023                           | March 30, 2000            | Pending   |
| 09/539,448                           | March 30, 2000            | Pending   |
| 09/539,428                           | March 30, 2000            | Pending   |
| 09/539,106                           | March 30, 2000            | Pending   |
| 09/538,542                           | March 30, 2000            | Pending   |
| 09/539,107                           | March 30, 2000            | Pending   |

I hereby appoint: Robert M. O'Keefe (Reg. No. 35,630), Richard D. Egan (Reg. No. 36,788), Brian W. Peterman (Reg. No. 37,908), and William W. Enders (Reg. No. 41,735), each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, as its attorneys for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Address all telephone calls to Brian W. Peterman at telephone number (512) 347-1611.

# 3rd in the world

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature  6/23/00  
Date

Citizenship: USA

UNTD:009

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: United Devices, Inc.

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: June 23, 2000  
METHOD FOR MANAGING WORKLOADS AND ASSOCIATED DISTRIBUTED  
 Entitled: PROCESSING SYSTEM

United Devices, Inc., a corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

6/23/00  
 Date

Edward A. Hubbard  
 Signature

Edward A. Hubbard  
 Typed or printed name

Chief Executive Officer  
 Title